IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.70 OF 2007

Samadhan Prthnamik Marathi Vidyalaya.
..Petitioner.
Vs.
State of Maharashtra and ors.
..Respondents.

Mr.V.S. Deokar for the Petitioner.
Mrs.M.P.Thakur, A.G.P. for the Respondent No.1.

CORAM: S.B. MHASE &
R.S. MOHITE, JJ.
DATE : June 7, 2007

P.C.

1. Heard.

2. The letter dated 30.10.2006 is challenged by the petitioner. By this letter correction has been carried out. The petitioner is running a primary school on No Grant basis and therefore, certain classes which were increased because of the natural growth are required to be approved. By the impugned letter, now, it is informed that natural growth classes of 5th, 6th and 7th standards respectively for the year 1997-98, 1998-99 and 2000-2001 were granted on natural growth basis and on unaided basis. However, while issuing letter dated 30.10.2006, it is stated that the earlier letter dated 29.4.2006 was cancelled. We have perused the letter dated 29.4.2006. In the said letter also sanction has

been granted to the natural growth divisions of 5th, 6th and 7th standards from the respective period namely from June-98, June-1999 and June-2000. However, the said letter states that it is on grantable basis and the said mistake has been corrected in the latter communication. This correction was carried out as per G.R. dated 18.6.2003. Apart from that, initially the permission granted to the petitioner is also on non granted basis and therefore, it cannot be said that initially permission was granted on grantable basis and therefore, correction has been carried out by the respondent. However, the petitioner is trying to maintain the earlier letter by filing this petition. The said attempt on the part of the petitioner is illegal and not common one. It is untenable stand. Petition is therefore, rejected.

(R.S. MOHITE, J.) **(S.B. MHASE, J.)**